

ENTERED

October 23, 2020

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

BP ENERGY COMPANY,

§

Plaintiff,

§

VS.

§ CIVIL ACTION NO. H-19-3243

GLOBAL HEALTH TECHNOLOGY
GROUP, LLC ET AL.,

§

Defendants.

§

MEMORANDUM AND ORDER

BP Energy Company has notified the court that the parties have been unable to agree on a proposed final judgment. (Docket Entry No. 48). BP Energy seeks an award of costs. (Docket Entry No. 48-1). Lindberg and Global Health ask that the judgment direct BP to deduct any additional amounts it receives from the Agera Entities from the damages awarded. (Docket Entry No. 48-2).

Under New York law, BP Energy is entitled to recover its taxable costs of court, not including attorney's fees. N.Y. C.P.L.R. § 8101. For the reasons stated in the court's Memorandum and Opinion of October 7, 2020, BP Energy must apply additional amounts it receives from the Agera Entities to the damages or prejudgment interest awarded in this judgment, as applicable. Final judgment is separately entered.

SIGNED on October 23, 2020, at Houston, Texas.



Lee H. Rosenthal, Chief United States District Judge